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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/020,786	12/13/2001	Laura C. Simmons	P1793R1	9525	
9157	7590 06/17/2003				
GENENTE	•	EXAMINER			
1 DNA WAY SOUTH SAN	? N FRANCISCO, CA 94	LEFFERS JR, GERALD G			
			ART UNIT	PAPER NUMBER	
			1636	11	
			DATE MAILED: 06/17/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

·		Application	No.	Applicant(s)				
•		10/020,786		SIMMONS ET AL.				
	Office Action Summary	Examiner		Art Unit				
	·	Gerald G Le	offere Ir	1636				
	The MAILING DATE of this communication				S			
Period fo								
THE I - External after - If the If NO - Failure - Any II earne	ORTENED STATUTORY PERIOD FOR R MAILING DATE OF THIS COMMUNICATI nsions of time may be available under the provisions of 37 C SIX (6) MONTHS from the mailing date of this communication period for reply specified above is less than thirty (30) days period for reply is specified above, the maximum statutory per to reply within the set or extended period for reply will, by reply received by the Office later than three months after the ad patent term adjustment. See 37 CFR 1.704(b).	ION. CFR 1.136(a). In no even on. t, a reply within the statute period will apply and will the statute cause the applic	t, however, may a reply be to bry minimum of thirty (30) do expire SIX (6) MONTHS fro ation to become ABANDON	timely filed ays will be considered timely. m the mailing date of this communities IED (35 U.S.C. § 133).	nication.			
Status	December to communication(a) filed or	n 02 April 2003						
1) 🖾	Responsive to communication(s) filed or	This action is r	on final					
2a)☐	,			prospection as to the mi	erite is			
3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims								
•	Claim(s) <u>1-41</u> is/are pending in the applic	cation.						
٠, ٢	4a) Of the above claim(s) <u>28-41</u> is/are withdrawn from consideration.							
5)								
6)⊠								
7)								
8)[Claim(s) are subject to restriction a	and/or election re	quirement.					
	ion Papers		·					
, —	The specification is objected to by the Exa							
10)	The drawing(s) filed on is/are: a)							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.								
If approved, corrected drawings are required in reply to this Office action.								
,—	The oath or declaration is objected to by t	ille Examilier.						
-	under 35 U.S.C. §§ 119 and 120	fausian naigaite con	10r 25 II S C & 110)(a)-(d) or (f)				
•	Acknowledgment is made of a claim for f	roreign priority und	jei 35 O.S.C. 9 118	(a)-(u) or (r).				
a)	All b) Some * c) None of:	umanta haya baar	roceived					
•	1. Certified copies of the priority docu			ation No				
	2. Certified copies of the priority documents have been received in Application No							
	 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
14)	Acknowledgment is made of a claim for do	omestic priority un	der 35 U.S.C. § 11	9(e) (to a provisional ap	plication).			
15) <u> </u>	a) \square The translation of the foreign langua Acknowledgment is made of a claim for do	ge provisional ap omestic priority ur	olication has been r nder 35 U.S.C. §§ 1	eceived. 20 and/or 121.				
Attachme	nt(s)		_					
2) Noti	ice of References Cited (PTO-892) ice of Draftsperson's Patent Drawing Review (PTO-9 rmation Disclosure Statement(s) (PTO-1449) Paper I	948) No(s) <u>7</u> .		nary (PTO-413) Paper No(s) al Patent Application (PTO-15				
J.S. Patent and	Trademark Office			Dort of Donor No. 11				

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DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I (claims 1-27) in Paper No. 10, filed 4/5/03, is acknowledged. Claims 1-41 are pending in the instant application with claims 28-41 withdrawn from consideration as being directed towards a nonelected invention.

Information Disclosure Statement

Receipt is acknowledged of two information disclosure statements, filed 5/24/02 and 7/30/02 as Papers No. 7 & 8, respectively. The PTO Form 1449 for Paper No. 8 has been mailed with this action. The information disclosure statement filed in Paper No. 7 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. If applicants wish these documents to be considered, it will be necessary to submit new copies of each of the references.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-27 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 1 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. Each of the claims comprises the limitation "wherein upon expression of said polynucleotide in a prokaryotic host cell, the light and heavy chains are folded and assembled to form a biologically active immunoglobulin". The specification, however, teaches that the proteins must be secreted in order for them to fold properly and form a biologically active immunoglobulin (e.g. see page 28, lines 8-11). It would be remedial to amend the claims to include this essential element of the invention.

Conclusion

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald G Leffers Jr. whose telephone number is (703) 308-6232. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel can be reached on (703) 305-1998. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7939 for regular communications and (703) 305-7939 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Gerald G Leffers Jr.

Examiner

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Ggl June 16, 2003